

California Regional Water Quality Control Board
Santa Ana Region

September 17, 2004

ITEM: 12

SUBJECT: Resolution No. R8-2004-0068, Authorizing the Executive Officer to Execute a Consent Decree with the U.S. EPA and Orange County Sanitation District

DISCUSSION:

Section 301 of the Clean Water Act (33 USC § 1311) requires all publicly owned treatment works (POTWs) discharging to waters of the United States to meet effluent limitations based upon secondary treatment. However, subpart (h) of that section allows for the issuance of permits with less restrictive effluent limitations to POTWs discharging into marine waters under specific conditions.

The Orange County Sanitation District (OCSD) operates wastewater treatment facilities in Fountain Valley and Huntington Beach that discharge approximately 234 million gallons per day of a mixture of secondary-treated and advanced primary-treated wastewater into the Pacific Ocean. For the past twenty years, permits issued to OCSD by the Regional Board and U.S. EPA have allowed OCSD to discharge waste that does not meet secondary treatment standards pursuant to Section 301(h) of the Clean Water Act. However, due to concern regarding the potential impacts of their discharge, OCSD adopted a policy in July 2002 to treat all of its wastewater to meet secondary treatment standards and chose not to seek continuance of the "301(h) waiver" with their recent permit renewal application.

Since OCSD is no longer requesting a waiver from secondary treatment standards, all future permits must require compliance with those standards. On September 17, 2004, the Regional Board is scheduled to consider adoption of Order No. R8-2004-0062, NPDES No. CA0110604, which will reissue the waste discharge requirements for this discharge. Discharge Specification A.1.a. of Order No. R8-2004-0062 will require the OCSD to achieve compliance with secondary treatment standards forthwith.

OCSD cannot immediately comply with the secondary treatment standards proposed in Order No. R8-2004-0062. OCSD must first construct major improvements to existing facilities and also construct many new facilities, in order to achieve secondary treatment standards. These projects will not be complete until the end of 2012.

Since OCSD will not be able to comply immediately with those provisions of Order No. R8-2004-0062, representatives of the OCSD, the Regional Board and U.S. EPA have negotiated a draft Consent Decree to be lodged in the federal court, reciting OCSD's commitment to a plan and schedule to undertake the design, construction and implementation activities necessary to achieve secondary treatment.

The proposed resolution will authorize the Executive Officer to execute the Consent Decree on behalf of the Regional Board and to accept any necessary nonsubstantive changes thereto.

RECOMMENDATION:

Adopt Resolution No. R8-2004-0068, as presented.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2004-0068

Authorizing the Executive Officer
to Execute a Consent Decree
with the U.S. EPA and
Orange County Sanitation District

Whereas, the Orange County Sanitation District (hereinafter, OCSD) operates a wastewater collection conveyance, treatment and disposal system which discharges under an NPDES Permit issued jointly by the U.S. EPA and this Regional Board;

Whereas, the OCSD's NPDES permit provided a waiver from the requirement to achieve secondary treatment requirements with respect to its discharge pursuant to Section 301(h) of the Clean Water Act, 33 U.S.C. Section 1311(h);

Whereas, the OCSD's Report of Waste Discharge for renewal of its NPDES permit does not include a request for waiver of requirements to achieve secondary treatment requirements;

Whereas, The Board of Directors of OCSD, by resolution No. OCSD 02-14, dated July 17, 2002, adopted a policy to treat its wastewater discharges to meet secondary treatment requirements;

Whereas, OCSD has committed to a plan and schedule to undertake design, construction and implementation activities to achieve secondary treatment capability;

Whereas, the Regional Board and the U.S. EPA have jointly issued a renewed NPDES permit and the Regional Board has adopted a Time Schedule Order requiring that OCSD meet secondary treatment levels;

Whereas, representatives of OCSD, the Regional Board and the U.S. EPA have negotiated a draft Consent Decree to be lodged in the federal court, reciting OCSD's commitment to a plan and schedule to undertake design, construction and implementation activities to achieve secondary treatment;

NOW THEREFORE BE IT RESOLVED:

The Executive Officer is hereby authorized to execute the Consent Decree on behalf of the Regional Board and to accept any necessary nonsubstantive changes thereto.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 17, 2004.

Gerard J. Thibeault
Executive Officer